

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LOUISE SPIERING and RAY)	
SPIERING,)	
)	
Plaintiffs,)	4:04CV3385
)	
v.)	
)	
JON BRUNING, NANCY MONTANEZ,)	MEMORANDUM AND ORDER
RICHARD RAYMOND, JULIE MILLER)	
and DAVE HEINEMAN,)	
)	
Defendants.)	
)	

Counsel and the court convened a status conference by telephone conference call pursuant to Fed. R. Civ. P. 16, for the purpose of scheduling the case to trial or other disposition. Complicating the development of this case was the pending petition for certiorari in Anaya v. Douglas County, 295 Neb. 552 (March 25, 2005). After the telephone call, however, the United States Supreme Court denied the petition for certiorari. Anaya v. Douglas County Nebraska, No. 04-1718, ___ S.Ct. ___, 74 USLW 3013 (October 3, 2005). Therefore the call was resumed. Counsel agreed that the case was likely to be resolved by motions for summary judgment following the taking of only two depositions and the analysis of new regulations promulgated by the defendants. In accordance with the discussion during the conference,

IT IS ORDERED,

1. All depositions shall be competed on or before February 2, 2006. All interrogatories, requests for admission and requests for production or inspection, whether or not they are intended to be used at trial, shall be served sufficiently early to allow rule time response before that date. Counsel may stipulate to extensions of time to respond to discovery requests in accordance with Fed. R. Civ. P. 29, as amended, but such extensions shall not extend any of the dates in this order.

2. Summary judgment motions shall be filed as soon as practicable but not later than March 1, 2006. See NECivR 56.1 and 7.1. In the statements of uncontroverted fact included in the parties' briefs related to such motion, each such uncontroverted fact shall be referenced to the element(s) of the claim or defense to which it relates. In the event that a party responding to a motion for summary judgment needs more time than that permitted under the local rules to respond, request therefor shall be made by a motion filed within the first ten days following the filing of the summary judgment motion.

3. In the event that unforeseen developments occur which are believed to interfere with counsel's present assessment of the case and the means of summary judgment motions to resolve it, or if the summary judgment motions do not fully resolve it, counsel shall telephone my office and arrange another telephone conference for the purpose of addressing such matters.

DATED this 4th day of October, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge